

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

TONY DIAZ,

a/k/a Jose A. Rivera, Jr.,

a/k/a Santo Romero Villar,

a/k/a Jose Rivera Morales,

a/k/a Jose Antoni Morales,

a/k/a Santo Rodolfo Romero Villar,

Defendant.

CRIMINAL NO.: 04-10274-PBS

Count 1: 18 U.S.C. § 922(g)(1)

Possession of Firearm and

Ammunition by Felon

Count 2: 18 U.S.C. § 922(g)(5)(A)

Illegal Alien in Possession

of a Firearm and Ammunition

INDICTMENT

COUNT ONE: 18 U.S.C. § 922(g)(1) – Possession of a Firearm and Ammunition by a Felon

The Grand Jury charges that:

On or about July 14, 2004, at Lawrence, in the District of Massachusetts,

TONY DIAZ,

the defendant herein, having previously been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting commerce, a firearm and ammunition, to wit: one .45 caliber Para Ordnance handgun, bearing serial number QM 3441, and 5 rounds of .45 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO: 18 U.S.C. § 922(g)(A)(5) – Illegal Alien in Possession of a Firearm
and Ammunition

The Grand Jury further charges that:

On or about July 14, 2004, at Lawrence, in the District of Massachusetts,

TONY DIAZ,

the defendant herein, an alien who was then unlawfully in the United States, did knowingly
possess, in and affecting commerce, a firearm and ammunition, to wit: one .45 caliber Para
Ordnance handgun, bearing serial number QM 3441, and five rounds of .45 caliber ammunition.

All in violation of Title 18, United States Code, Section 922(g)(A)(5).

NOTICE OF ADDITIONAL FACTORS

The Grand Jury further finds that the Defendant possessed the firearm described in Counts One and Two of this Indictment in connection with a crime of violence, to wit, an offense under state law punishable by imprisonment for a term exceeding one year and which offense involved the use, attempted use, or threatened use of physical force against the person of another. Therefore, United States Sentencing Guidelines Sections 2K2.1(b)(5) and 4B1.4(b)(3)(A) are applicable.

A TRUE BILL:

K Reynolds
FOREMAN OF THE GRAND JURY

PAUL R. MOORE
ASSISTANT U.S. ATTORNEY

DISTRICT OF MASSACHUSETTS ; September 8, 2004, at 11:00.

Returned into the District Court by the Grand Jurors and filed.

Thomas F. Quinn
DEPUTY CLERK

12:55 pm

Criminal Case Cover Sheet

U.S. District Court - District of Massachusetts

Place of Offense: _____ Category No. II Investigating Agency ATF

City Lawrence Related Case Information:

County Essex Superseding Ind./ Inf. _____ Case No. _____
 Same Defendant _____ New Defendant x
 Magistrate Judge Case Number _____
 Search Warrant Case Number _____
 R 20/R 40 from District of _____

Defendant Information:

Defendant Name TONY DIAZ Juvenile ☐ Yes ☒ No

Alias Name Jose A. Rivera, Jr., Santo Romero Villar, Jose Rivera Morales, Jose Antoni Morales, Santo Rodolfo Romero Villar

Address Essex County Correctional Facility, Middletown, MA

Birth date: 1965 SS#: 0386 Sex: M Race: Hispanic Nationality: Dominican

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:

AUSA Paul R. Moore Bar Number if applicable 632312

Interpreter: ☒ Yes ☐ No List language and/or dialect: Spanish

Matter to be SEALED: ☐ Yes ☒ No

☒ Warrant Requested ☐ Regular Process ☐ In Custody

Location Status:

Arrest Date: _____

☐ Already in Federal Custody as _____ in _____

☒ Already in State Custody detainee ☐ Serving Sentence ☒ Awaiting Trial

☐ On Pretrial Release: Ordered by _____ on _____

Charging Document: ☐ Complaint ☐ Information ☒ Indictment

Total # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 2

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: September 8, 2004 Signature of AUSA: Paul R. Moore

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District Court Case Number (To be filled in by deputy) _____

Name of Defendant TONY DIAZ

		U.S.C. Citations	
	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>18 U.S.C. § 922(g)(1)</u>	<u>Possession of Firearm and Ammo. by Felon</u>	<u>1</u>
Set 2	<u>18 U.S.C. § 922(g)(5)(A)</u>	<u>Illegal Alien in Possession of a Firearm, Ammo.</u>	<u>1</u>
Set 3	_____	_____	_____
Set 4	_____	_____	_____
Set 5	_____	_____	_____
Set 6	_____	_____	_____
Set 7	_____	_____	_____
Set 8	_____	_____	_____
Set 9	_____	_____	_____
Set 10	_____	_____	_____
Set 11	_____	_____	_____
Set 12	_____	_____	_____
Set 13	_____	_____	_____
Set 14	_____	_____	_____
Set 15	_____	_____	_____
ADDITIONAL INFORMATION: _____			

District Court Case Number (To be filled in by deputy) _____

Name of Defendant TONY DIAZ

js45 - Diaz - Felon in Poss; Illegal in Poss.wpd - 3/13/02